

No. 20-3875

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 15, 2020
DEBORAH S. HUNT, Clerk

In re: NATIONAL PRESCRIPTION OPIATE)
LITIGATION)

In re: STATE OF OHIO BOARD OF)
PHARMACY,)
)
Petitioner.)

ORDER

Before: SUHRHEINRICH, GIBBONS, and KETHLEDGE, Circuit Judges.

In this multidistrict litigation, the district court ordered non-party the State of Ohio Board of Pharmacy (“the Board”) to produce additional data from its prescription monitoring database, the Ohio Automated Rx Reporting System. The Board petitions for a writ of mandamus, asking that we compel the district court to vacate its discovery order or certify the order for immediate appeal under 28 U.S.C. § 1292(b). The Board also moves to stay the district court’s order pending review of its mandamus petition. The Ohio Attorney General has filed an amicus brief in support of the Board’s mandamus petition.

Upon review, the defendant pharmacies, as identified in the Board’s mandamus petition, are **ORDERED** to file an answer to the petition no later than fifteen days after entry of this order. The district court is **INVITED** to file an answer within the same time period. *See* Fed. R. App. P. 21(b)(1), (4). The motion for a stay is administratively **GRANTED** pending our

No. 20-3875

-2-

consideration of any answer. *See Brady v. Nat'l Football League*, 638 F.3d 1004, 1005 (8th Cir. 2011).

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written above a horizontal line.

Deborah S. Hunt, Clerk